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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,976	09/29/2000	Keith Shippy	042390.P7957	1732

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Kenneth B Paley  
Blakely Sokoloff Taylor & Zafman LLP  
Seventh Floor  
12400 Wilshire Boulevard  
Los Angeles, CA 90025

EXAMINER

LIPMAN, JACOB

ART UNIT

PAPER NUMBER

2134

DATE MAILED: 04/05/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/675,976

Applicant(s)

SHIPPY ET AL.

Examiner

Jacob Lipman

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 12/4/2000 has been considered by the examiner.

### ***Claim Objections***

2. Claims 29 and 30 are objected to because there is no space between the words "data-stream" and "sent" in line 1 of claim 29. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3-5 and 7-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 3 recites the limitation "one of " in lines 1 and 4, but the first listed item seems to be a requirement rather than an option. In this office action the claim is being read as "includes a data-stream identifier, and could also include a source, said source characterized by a source of said keys, and optionally, also by a source of said portion..."

6. Claims 4, 11, 13, and 21 recite the same listing style as claim 3, and are thus vague and indefinite.

7. Claim 5 recites the limitation "before setting said flag and encrypting said payload", and then continues to list the steps of setting the flag and encrypting the

payload. It is unclear how these steps can be performed before they are performed. It is also unclear whether the third step of receiving actually happens before the previous two steps.

8. Claim 7 recites that the portion payload portion is received based on the datum sent in claim 6. Lines 3-5 of claim 6 recite that the payload portion has already been received. It is unclear when the portion is received.

9. Claim 8 recites the limitation "if the portion of the payload is encrypted". Claim 6 states that the portion is encrypted. It is unclear how the "encrypted portion" could not be encrypted. The claims seem to be talking about a separate portion that has no antecedent basis.

10. Claim 9 recites the limitation "after said setting a flag, said encrypting, and said replacing" in line 9. This is not the same order that these steps are listed in the claim, and it leaves the ordering of the steps indefinite.

11. Claim 13 recites the limitation "replacing said payload portion" in line 11. It is unclear what is being replaced with the portion.

12. Claim 16 recites the limitation "said keys" in line 2. It is unclear if these are the encryption keys or decryption keys mentioned in claim 9.

13. Claim 17 recites the limitation "said a payload data" in line 9. There is insufficient antecedent basis for this limitation in the claim.

14. Claim 19 recites the limitation "said keys" in line 8. There is insufficient antecedent basis for this limitation in the claim.

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15. Claim 23 recites the limitation "said encrypted block" in line 9. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

17. Claims 1-30, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Cooper et al., US Patent number 5,757,908.

With regard to claims 1, 9, 14, 19 and 21, Cooper discloses a computer (column 3 lines 50-53), which encrypts a payload (column 3 lines 55 -57), replaces a portion of the payload with a tag (column 3 lines 57-63) that identifies a decryption key (column 4 lines 16-20), and sets a flag in a header that indicates that the payload has the tag (column 17 lines 17-23).

With regards to claims 2, 10, and 20, Cooper discloses encrypting the portion (column 3 lines 57-59).

With regard to claims 3 and 16, Cooper discloses the tag includes a data-stream and key identifier (column 4 lines 12-15).

With regard to claims 4, 6-8, 11-13, 17, 18, 22-25, 27, 29, and 30, Cooper discloses that in response to finding the data block, the file management program loads the decryption key and decrypts the file (column 4 lines 12-22).

With regard to claims 5 and 28, Cooper discloses receiving the data from a third system (column 3 lines 9-15).

With regard to claims 15 and 26, cooper discloses the system can be a network of computers (column 21 lines 20-26).

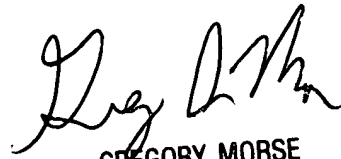
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Lipman whose telephone number is 703-305-0716. The examiner can normally be reached on 7:30 - 5 M-Th, and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 703-308-4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JL

  
GREGORY MORSE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100